

REMARKS

This paper responds to the Office Action dated June 27, 2005. A diligent effort has been made to respond to the objections and rejections set forth therein, and reconsideration is respectfully requested.

A. Status of Claims

Claims 1-4; 6-11; 13-14; 17; 21; 24; and 32-33 remain in this application. Claims 1, 4, and 10 are currently amended.

B. Prior Rejections

The claims were previously rejected primarily over a combination of Sirola (US 6,415,138) in view of Harms (US 5,732,331) and Romao (EP 0969641) in view of Sirola. Additional rejections of the claims were made by further combinations over Miyagawa (US 5,410,447) and Andrews (US 5,911,131). All of these rejections are traversed.

The claims have now been amended so as to clearly distinguish over these combination of references. Specifically, claim 1 has now been amended to recite that the positioning mechanism of the protective cover is configured so as to position the protective surface in three separate positions: a first position in which the protective surface covers the touch screen of the top surface; a second position in which the protective surface can be used as a support mechanism for the mobile device; and a third position in which the protective surface is in a stowed position adjacent to the bottom surface of the mobile device. None of the cited references show a mobile device having these features.

Sirola shows a protective cover 4 having two positions, open and closed. The closed position in Sirola corresponds to the first position set forth in claim 1, but there is no disclosure in Sirola of biasing the cover 4 into the claimed second and third positions set forth in claim 1. Likewise, Romao, Harms and Andrews only show a phone with a protective cover having open and closed positions. None of these references show the claimed second and third positions set forth in claim 1.

Miyagawa is directed to a portable computer – a laptop. In Figure 10A-11B of Miyagawa, various embodiments of the laptop computer are shown. The laptop includes a first section 25 in which a display is mounted, and a second section 29 in which a keyboard is mounted. Thus, it is quite unlike the subject matter of claim 1, in which the protective cover is transparent and covers a portion of the touch screen to enable viewing of data while the cover is in a first position. In Miyagawa there is no “cover” over the display 21.

Miyagawa also shows a translation mechanism 35, 37, 39 for rotating the first section 25 with the display from a closed position (Figure 10B) to an open position (Figure 10A) and then to another open position (Figure 10C) where the display is back-to-back with the keyboard. But, in Miyagawa, there is no “second position in which the protective surface can be used as a support mechanism for the mobile device,” nor is there a “first position in which the protective surface covers the touch screen in the top surface” as recited in claim 1. Thus, claim 1 is distinguishable from the combination of these references.

Claim 10 is similarly distinguishable from the combination of references set forth in the Office Action. Moreover, claim 10 has been amended to indicate that the positioning mechanism includes “a pair of pins configured on the protective cover that mount to and engage with a pair

of rails integral to and extending substantially along the sides of the housing, wherein the pins rotate about the rails and slidably engage therewith in order to translate the protective cover between the first position and the second position.” Although Miyagawa discloses a translation mechanism having rails 39, these do not extend “substantially along the sides of the housing” in order to translate the protective cover. For this additional reason, claim 10 is distinguishable from the cited references.

Finally, applicants traverse the combination of Miyagawa and the other references applied in the office action. The other references (Sirola, Romao, Harms) are directed to cellular telephones having protective covers. Miyagawa, by distinction, is directed to a laptop computer that lacks a protective cover at all for the display. Thus, it is unlikely that a person of skill in the art of protective covers for mobile devices, such as cellular phones, would have access to or knowledge of the laptop computer art as expressed in Miyagawa. Therefore, there would be no motivation to combine the teachings of these very different disciplines, and in fact none has been identified in the Office Action, other than in a conclusory manner. For this additional reason the 103 rejections are traversed.

Respectfully submitted,

JONES DAY



David B. Cochran
(Reg. No. 39,142)

Jones Day

North Point, 901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7506

THIS PAGE BLANK (USPTO)